

2022R00162

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA

v.

DARRIAN MITCHELL NGUYEN,

Defendant.

Case No. 22-mj-829 ECW
UNDER SEAL

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Jason Bujold, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this Affidavit in support of a Criminal Complaint alleging the defendant, Darrian Mitchell Nguyen, violated Title 21, United States Code, Section 841(a)(1) (Possession with Intent to Manufacture or Distribute a Controlled Substance), Title 18, United States Code, Section 922(o) (Possession or Transfer of a Machinegun), and Title 26, United States Code, Section 5861(d) (Receipt or Possession of Firearm Not Registered in the National Firearms Registration and Transfer Record).

2. Title 18, United States Code, Section 921(a)(23) incorporates the definition in 26 U.S.C. § 5845(b) of a machinegun as “any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger.” According to § 5845(b), the term “machinegun” also includes “the frame or receiver of any such weapon, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machinegun, and any combination of parts from which

a machinegun can be assembled if such parts are in the possession or under the control of a person.”

3. I have been employed as a Special Agent of the Federal Bureau of Investigation (“FBI”) since May of 2017. Since October of 2017 I have been assigned to the Joint Terrorism Task Force (the “JTTF”) of the FBI’s Minneapolis Division. In this capacity, I investigate, among other things, criminal cases relating to domestic terrorism, such as allegations of the provision of weapons of mass destruction. In addition to my on-the-job experience, the FBI has provided me with extensive training in domestic terrorism and the techniques used to investigate allegations of domestic terrorism.

4. The facts set forth in this affidavit are based on my own personal knowledge, knowledge obtained from other individuals during my participation in this investigation, including other law enforcement officers, my review of documents and computer records related to this investigation, communications with others who have personal knowledge of the events and circumstances described herein, and information gained through my training and experience. This affidavit is intended to show only that there is sufficient probable cause for the Criminal Complaint and the requested arrest warrant and does not set forth all of my knowledge about this matter. In this affidavit, the quoted language is from preliminary transcriptions unless noted otherwise. I have set forth facts that I believe are necessary to establish probable cause that Darrian Mitchell Nguyen (hereinafter “NGUYEN”) has violated Title 21, United States Code, Section 841(a)(1) (Possession with Intent to Manufacture or Distribute a Controlled Substance), Title 18, United States Code,

Section 922(o) (Possession or Transfer of a Machinegun), and Title 26, United States Code, Section 5861(d) (Receipt or Possession of Firearm Not Registered in the National Firearms Registration and Transfer Record).

FACTS ESTABLISHING PROBABLE CAUSE

Background Information About Nguyen Provided by the CHS

5. In April 2022, the FBI initiated an investigation of NGUYEN based on information from a Confidential Human Source (CHS) who has been paid \$1000 for their participation in the investigation. For several years leading up to and including 2020, the CHS was in contact with NGUYEN. During this time period, the CHS observed NGUYEN in possession of explosives devices, firearms, and methamphetamine,¹ and the CHS heard NGUYEN express his desire to join an anti-government militia. The CHS had also provided NGUYEN with firearms, and NGUYEN and the CHS discussed on several occasions the CHS's ability to build different kinds of firearms.

¹ The CHS told Your Affiant that they used to purchase methamphetamine from NGUYEN. The CHS was arrested in 2020 for possession of methamphetamine, stopped using methamphetamine, and stopped purchasing drugs from NGUYEN. Law enforcement seized \$9,000 from the CHS at the time of the 2020 arrest, which resulted, as discussed *infra*, in the CHS owing NGUYEN a debt. To Your Affiant's knowledge, the CHS no longer uses methamphetamine. During this investigation, Your Affiant has found the CHS to be reliable and accurate in the information they have provided to law enforcement. The background information provided by the CHS in this section was later corroborated by the information learned in this investigation and detailed *infra*.

6. The CHS described NGUYEN as harboring anti-government Three Percenter militia² ideology and desiring to be part of the Three Percenter militia group.³ The CHS described NUGYEN as maintaining anti-government symbols in his garage, including a flag with the Three Percenter logo. NGUYEN discussed killing “liberals,” including by shooting them or “blowing them up.” The CHS also stated that NGUYEN discussed a desire to “blow up” Black Lives Matter (BLM) members.⁴

7. The CHS stated he had been to NGUYEN’s residence in Anoka, Minnesota, on numerous occasions for several years leading up to and including 2020. The CHS stated NGUYEN kept weapons in “secret” rooms NGUYEN had built within NGUYEN’s

² Three Percenter militia (aka Three Percenters or III%) are a loosely organized anti-government extremist movement associated with the broader “Patriot” movement. The concept behind the Three Percenter name is based on a historically incorrect myth that only three percent of the American population fought against the British during the American Revolution. Today, Three Percenters view themselves as modern-day American heroes analogous to those who fought in the American Revolution, but their perceived enemy is not the British; rather it is the U.S. Government. Three Percenters claim they are the three percent of Americans who will fight during a future revolution against the alleged tyranny of the U.S. government.

³ To Your Affiant’s knowledge, NGUYEN has not joined a militia group.

⁴ The quotations used in this paragraph are quotes attributed to the CHS in describing his prior communications with NGUYEN, not necessarily exact words used by NGUYEN in 2020 or years prior to 2020.

residence.⁵ NGUYEN told the CHS that he stored these weapons to be prepared for violence. The CHS has personally observed the “secret” rooms, which contained rifles, shotguns, handguns, a grenade launcher, and pipe bombs. The CHS provided the FBI with a photograph of one of the weapons NGUYEN possessed—a firearm with a grenade launcher attached to it, pictured in *Figure 1* below. The CHS also said that NGUYEN maintained a cache of what NGUYEN described as “Last Stand Bullets.”⁶ NGUYEN told the CHS he would use these bullets if he was backed into a corner by law enforcement. NGUYEN told the CHS he capped the hollow points of AR caliber bullets with Mercury. NGUYEN told the CHS that if he shot these bullets, Mercury gasses would be released and would infect both law enforcement and NGUYEN with Mercury.

⁵ The CHS described the rooms as “secret” because, according to the CHS, they were rooms or nooks that were built out to hide illegal material by either cutting out dry wall and adding sliding sections or building out hidden compartments in the dry wall.

⁶ “Last Stand Bullets” are bullets designed for use in committing suicide if an individual is “trapped” by law enforcement.



Figure 1

8. The CHS is also aware that NGUYEN sells methamphetamine from his residence. The CHS provided details of NGUYEN's trafficking, including amounts NGUYEN charges for methamphetamine, the amount of methamphetamine NGUYEN would sell to customers, and the identities of some of NGUYEN's customers.

9. The CHS explained to Your Affiant that the CHS owed NGUYEN a debt—consisting of \$9,000, two ARs, and a sheet of acid—as a result of losing NGUYEN’s money intended for a drug purchase in 2020. According to the CHS, NGUYEN had not talked to the CHS since 2020, NGUYEN was likely upset with the CHS about the debt, and NGUYEN would be suspicious of any contact from the CHS.

2022 Investigation of Nguyen

10. On or around July 13, 2022, at the FBI’s request, the CHS met with NGUYEN at the same residence where NGUYEN lived in 2020. The meeting was audio recorded. During the meeting, the CHS observed that NGUYEN had become very skinny, had track marks on his arms, and that his teeth were failing—all indications to the CHS that NGUYEN is using narcotics. The CHS also observed the presence of drug paraphernalia in the garage and inside the residence.⁷

11. During this meeting, the CHS told NGUYEN that the CHS was there to correct the debt owed to NGUYEN. NGUYEN, however, did not want money to correct the debt but instead asked the CHS to provide him with firearms. NGUYEN initially told the CHS he wanted an M4 and an M16.⁸ The CHS attempted to clarify with NGUYEN

⁷ The previously referenced flag was also still displayed in NGUYEN’s garage.

⁸ The M16 and M4 are the military versions of what are commonly known as “assault rifles.” The civilian assault rifle, or AR-15, was patterned after the M4 and M16 and sold in the civilian market as a semi-automatic rifle. Military M4s and M16s are usually manufactured with fully automatic modes of fire, and the M4 is generally manufactured with a shorter barrel. A civilian AR-15 can be manufactured or converted into a fully

what type of firearm NGUYEN wanted and at that point, NGUYEN stated he would like the firearm to be fully automatic.⁹ The following conversation then took place.

NGUYEN: Well I [UI] and they uh in a AR or something you know. Or maybe an M16 maybe like—Or you know actually I—a M16's got that three round . . . You know what, we should talk in there.¹⁰

CHS: Yeah [laughs].

NGUYEN: [UI] Mark 19¹¹ you know [UI].

CHS: What's a Mark 19? That's a fucking AR isn't it?

NGUYEN: Yeah [UI] uh fully automatic, fully automatic AR.

...

NGUYEN: Mhm. It doesn't have to be pretty and all that but it has to be like new auto AR you know [UI].

automatic rifle; however, the manufacture or conversion of a fully automatic AR-15 must follow the law associated with the National Firearms Act (NFA).

⁹ Your Affiant has confirmed with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) that NGUYEN is not listed on the National Firearms Registry as a person allowed to possess machine guns or other National Firearms Act (NFA) items such as suppressors or short barreled rifles.

¹⁰ NGUYEN and the CHS were talking outside of the residence on the front stoop; this reference to talking "in there" likely means that NGUYEN wanted to move the conversation inside so they could not be overheard.

¹¹ Your Affiant believes NGUYEN is referring to an MK 19 grenade machine gun. The weapon is a belt fed, fully automatic rifle, that fires 40mm grenades as bullets. The weapon is used by the U.S. military.

CHS: I can probably—I-I don't know about the auto sears¹² anymore.

NGUYEN: What's the what.

CHS: The full auto sears?

NGUYEN: Mmm.

CHS: Like they're so fucking hard to come by.

NGUYEN: Mhm. Well you see them though.

CHS: I do see 'em.

NGUYEN: Yes.

12. During the meeting, the CHS asked NGUYEN if NGUYEN was interested in additional business and selling narcotics to a third party. NGUYEN indicated he was interested but said he would like the CHS to pay back the debt owed from their interactions in 2020.

13. On or around July 27, 2022, the CHS exchanged text messages with NGUYEN. The messages related to the type of firearm NGUYEN wanted:

CHS: So I'm ordering up the parts today, you have specifics you'd like me to do?

CHS: Got the upper and lower covered, barrel length and trigger type.

NGUYEN replied that he wanted a firearm with a "binary trigger."¹³

¹² Your Affiant knows an "auto sear" is a part designed and intended for use in converting a weapon to shoot automatically by a single pull of the trigger, *i.e.*, a machinegun.

¹³ A binary trigger is a legal trigger that can be installed in a rifle. The trigger is designed to shoot one bullet when the trigger is pressed by the user and a second bullet when the trigger is released or reset. This is in contrast to a standard trigger that only shoots one bullet when the trigger is pressed. A rifle with a binary trigger installed is still considered

14. On August 9, 2022, the CHS met NGUYEN at NGUYEN's residence.¹⁴ During the meeting, NGUYEN and the CHS discussed the firearms that NGUYEN wanted from the CHS. NGUYEN told the CHS to get him a short-barreled rifle. NGUYEN clarified that he only sent the message about a firearm with a binary trigger because it was a text message, and NGUYEN said he wants a fully automatic firearm using auto sears.¹⁵ When the CHS told NGUYEN that auto sears can be made using a 3D printer, NGUYEN told the CHS that his 3D printer was broken.

15. During this meeting, the CHS asked NGUYEN about other firearms in NGUYEN's possession. NGUYEN responded that he still had his "whole collection" of firearms. NGUYEN said he also still had the AR with a 37mm grenade launcher (see *Figure 1* above), and NGUYEN claimed to have incendiary devices for this grenade launcher. NGUYEN further told the CHS that he has not fired the grenade launcher but that he "hates BLM"¹⁶ and would like to "level a whole block of blacks."

to be a semi-automatic firearm because only one bullet is fired when the trigger is pressed or reset.

¹⁴ The meeting was intended to be audio recorded; however, the recording device failed.

¹⁵ Your Affiant believes NGUYEN sent the text message about a binary trigger to test the CHS because he is suspicious of the CHS or because he was worried about discussing a fully automatic firearm in a written and electronic text message.

¹⁶ Your Affiant understands this to be a reference to the Black Lives Matter movement.

16. NGUYEN also discussed additional narcotics dealing. NGUYEN showed the CHS a hidden room in his garage where NGUYEN was storing bags of what the CHS believed was methamphetamine. NGUYEN was also smoking methamphetamine in front of the CHS. NGUYEN told the CHS he was manufacturing methamphetamine at his residence. NGUYEN ended the meeting by selling the CHS an “8-ball,” or approximately 3.7 grams of methamphetamine, for \$100. The suspected narcotics field tested positive for methamphetamine.

17. After the August 9, 2022 meeting described above, NGUYEN exchanged text messages with the CHS when the media was reporting on the FBI’s execution of a search warrant at former President Donald Trump’s residence in Mar-a-Lago. Specifically, on or around August 13, 2022, NGUYEN texted the CHS a link for a Facebook video and wrote, “It’s time, the hour has come.” The Facebook video was posted on August 9, 2022, the day after the FBI searched Mar-a-Lago, by a conspiracy theorist and prominent Donald Trump supporter. The video was reviewed by Your Affiant. In the video, which is approximately 6 minutes and 53 seconds in duration, there are statements supporting conspiracy theories related to the search of former President Donald Trump’s residence, such as: (1) a belief that the FBI has been weaponized against “us”; (2) “they” are coming for the elections; (3) Hunter Biden and Nancy Pelosi need to be arrested; and (4) “we” need people like you to become “lions” against the “Marxist demon left.”

18. On or around August 23, 2022, the CHS met with NGUYEN again at NGUYEN’s residence. The meeting was audio recorded. Upon initial meeting, NGUYEN

asked who the CHS was with and if the CHS was wearing a wire. The CHS denied wearing a wire and lifted their shirt to show NGUYEN they were not wearing a wire. Satisfied that the CHS was not wearing a wire or being monitored by law enforcement, NGUYEN told the CHS to come back later that evening.

19. When the CHS returned that evening, the CHS asked NGUYEN to clarify what NGUYEN meant by the above-referenced text message stating, “It’s time, the hour has come.” NGUYEN said the message was in reference to the FBI search of Mar-a-Lago, that “I [NGUYEN] think we should put (sic) a revolution,” and that NGUYEN believes former President Donald Trump should conduct a coup-d’état. NGUYEN stated, “Cause the last—if you look at the twentieth century dude a lot of leaders now are—they are guided by coup de-état, you know? . . . Like Napoleon, Hitler, um . . . Putin and that Chinese motherfucker whoever his name is.” The CHS and NGUYEN again discussed what kind of firearm NGUYEN wanted. The CHS asked NGUYEN if he wanted a “long or short” barrel. NGUYEN responded that he wanted a short-barreled rifle like the one the CHS once had. NGUYEN stated, “Oh I—you know what. I was thinking two, but if it’s gonna be hard for you to get that, We the People¹⁷, you know?”

¹⁷ The CHS previously owned a short-barreled rifle that the CHS and NGUYEN called “We the People.” The firearm had an all-chrome hand guard and had “We the People” inscribed on the handguard. *See* Figure 2. Your Affiant believes that NGUYEN was saying that if he couldn’t get the “two” ARs that were owed to him from the CHS, one short-barreled rifle like the CHS’s “We the People” rifle would satisfy the debt. The CHS provided the FBI with a photograph of the rifle and has turned over the barrel to the (con’t)



Figure 2

20. The CHS and NGUYEN continued to clarify what type of firearm NGUYEN wanted:

NGUYEN: I'll be content with like a, you know, something that has five five six¹⁸ and fully auto.

CHS: I can do fully auto. You know I can do fully auto. I can make every gun you have here fully auto.

NGUYEN responded by showing two thumbs up to the CHS and said: "You think uh . . . you think that there's gonna be uh . . . you know, gun fire coming up? If he does a coup de-état right? There's so many leaders that have done a coup de-état you know? Stalin,

FBI. According to the CHS, the hand guard was removed from the barrel and was given to a friend unaffiliated with NGUYEN in April 2020.

¹⁸ Your Affiant believes that "five five six" is a reference to 5.56mm ammunition, which is a common caliber of bullet for use with an AR style assault rifle.

Hitler, you know.” Your Affiant believes this statement suggests NGUYEN wants fully automatic firearms for an impending coup d’état.

21. During the meeting, NGUYEN also showed the CHS another “secret” room NGUYEN had constructed in the residence. NGUYEN told the CHS he is manufacturing methamphetamine in the room. The CHS observed beakers, scales, a magnetic stirrer, and a bag that contained approximately one and a half pounds of a substance that appeared consistent with methamphetamine. At the end of this meeting, NGUYEN sold the CHS approximately 7.1 grams of methamphetamine for \$300. The suspected narcotics field tested positive for methamphetamine.

22. On August 19, 2022, the CHS texted NGUYEN, asking to purchase more methamphetamine. On August 23, 2022, NGUYEN replied that he is not interested in selling more narcotics to the CHS until the CHS supplied NGUYEN with the firearm and auto sears. The text message said, in part, “I believe you have something for me? Which is why I met up with you the last time. Until you have that, don’t fucking tease me. I prefer blonds.”

23. Based on NGUYEN’s stated desire to obtain a fully automatic short-barreled rifle with auto sears, the FBI manufactured the necessary components, parts, and product that will be utilized for a controlled delivery to NGUYEN by the CHS. To make the rifle, the FBI used the short barrel that had been turned over to it from the “We the People” firearm depicted in Figure 2, which is less than 16 inches in length, but the firearm now has a different handguard that does not say “We the People.” The weapon has an auto sear

installed on it that makes it fully automatic. To ensure safety during the controlled delivery, the firing pin on the rifle has been altered, but the rifle may be readily restored to fire.

24. On September 29 and September 30, 2022, the CHS messaged NGUYEN to let NGUYEN know the fully automatic short-barreled rifle and auto sears were ready for NGUYEN. The CHS also sent a picture of the firearm (*see* Figure 3) stating, “It’s not we the people but I think you’re going to be happy, wanna see???????”

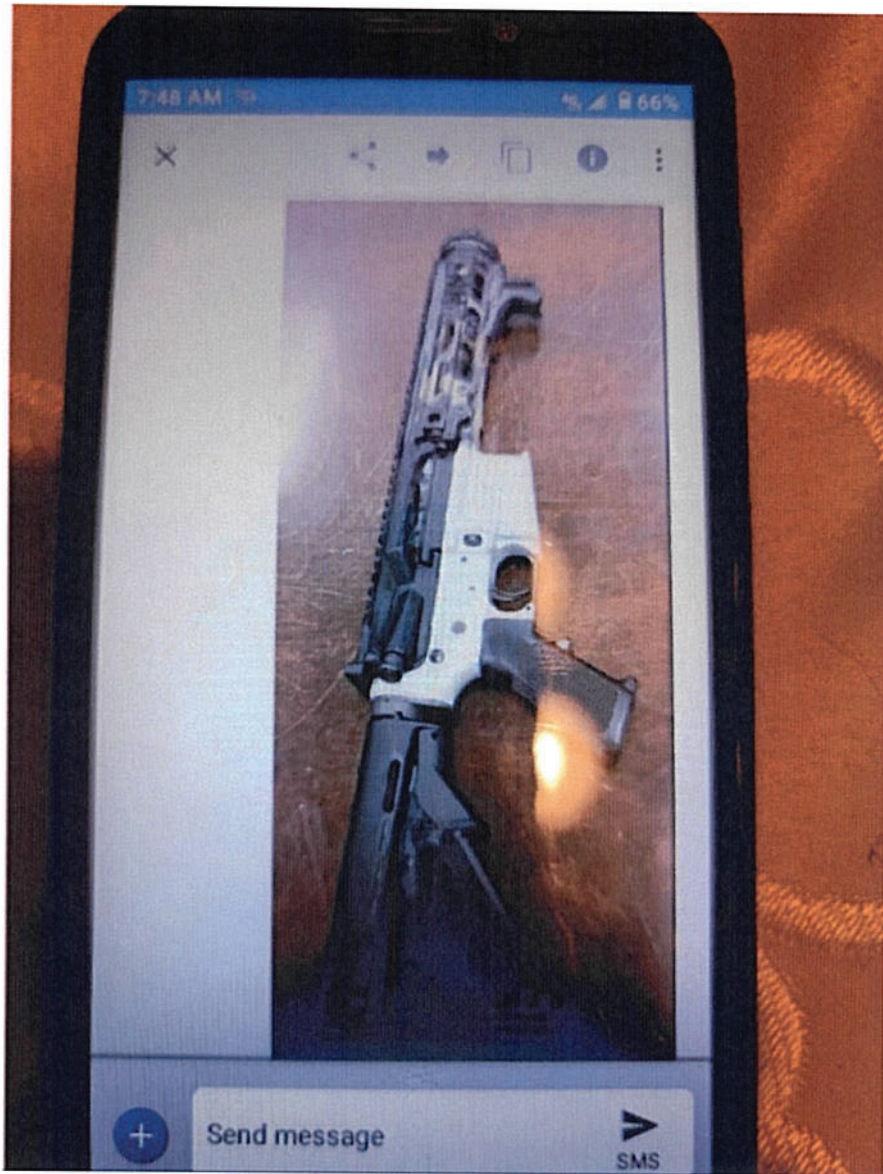


Figure 3

25. NGUYEN did not respond to the CHS right away. On October 1, 2022, the CHS sent NGUYEN another picture of the firearm and auto sears (*see* Figure 4) and stated,

“Ok well I’ll be back in town on Tuesday, I’m not trying to have this in my possession any longer than I have to so, if I haven’t heard from you before then I’ll be stopping by.”

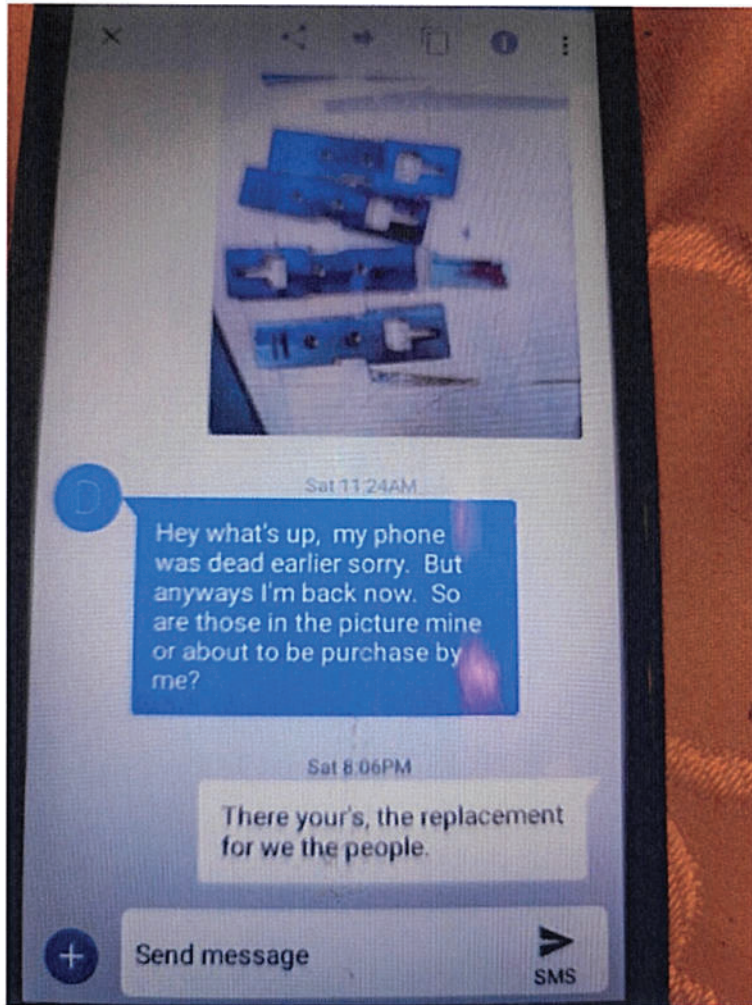


Figure 4

26. On October 1, 2022, NGUYEN responded to the CHS, “Hey what’s up, my phone was dead earlier sorry. But anyways I’m back now. So are those in the picture mine or about to be purchase by me?” The CHS responded, “There your’s (sic), the replacement for we the people.”

27. Your Affiant believes the response by NGUYEN indicates that NGUYEN wants the firearm and auto sears and was attempting to determine if NGUYEN needed to provide additional funds or if the products were repayment for the debt the CHS owed NGUYEN.

28. On October 2, 2022, the CHS sent text messages to NGUYEN to make arrangements for delivery of the short-barreled rifle and the auto sears. The CHS wrote, "So Tuesday¹⁹ afternoon sometime I'll be looking to drop it off, you good with that?" NGUYEN replied to the CHS, "Yeah I'm good with that. Tuesdays thanks bro." The CHS then wrote to NGUYEN, "Cool man I'll call you when I'm in route."

29. On October 4, 2022, the CHS messaged NGUYEN to let NGUYEN know the CHS was on the way to deliver the short-barreled rifle and the auto sears. NGUYEN did not respond to the messages. The CHS approached NGUYEN's residence and knocked on the door of NGUYEN's residence. There was no answer at the door, and the CHS left. The CHS attempted to call and message NGUYEN. NGUYEN eventually called the CHS back and said he was at another person's residence but would be home shortly. NGUYEN instructed the CHS to come back to his house after NGUYEN returned to his residence.

30. The CHS met NGUYEN at his residence. The firearm and auto sears were contained in a black firearms bag. NGUYEN opened the garage door on his residence, and

¹⁹ The CHS was referring to Tuesday, October 4, 2022.

the CHS backed their vehicle up to the door. The CHS brought the firearms bag into the garage and set it on the trunk of NGUYEN's vehicle, which was in the garage.

31. The CHS showed NGUYEN the short-barreled rifle and auto sears that NGUYEN wanted. The CHS explained to NGUYEN that an auto sear was installed in the short-barreled rifle to make the short-barreled rifle fully automatic. The CHS explained how to install the auto sears in other AR style rifles to make them fully automatic. NGUYEN made several positive comments concerning the firearm and auto sears and thanked the CHS for getting NGUYEN the firearm and auto sears. The CHS asked NGUYEN if the delivery of the firearm and auto sears settled the CHS's debt, and NGUYEN affirmed it did. Additionally, NGUYEN explained that the CHS and NGUYEN could "do business" again, which is in reference to the purchase of methamphetamine.

32. NGUYEN placed the short-barreled rifle back in the firearms bag, and the CHS placed the auto sears back in the firearms bag. As the CHS left the residence, NGUYEN was walking back into the residence with the firearms bag in his hands. Law enforcement then entered the residence, took NGUYEN into custody, and executed a search warrant.

33. During the search of NGUYEN's residence and vehicle, law enforcement personnel discovered the black firearms bag containing the short-barreled rifle and auto sears in NGUYEN's vehicle, which was still parked in the garage. Law enforcement personnel also located a hidden room in the residence containing several firearms, including the AR style firearm depicted in Figure 1. In NGUYEN's residence, law

enforcement personnel also found a firearm that is likely a short-barreled rifle, a firearm that is likely a short-barreled shotgun, and a suppressor.²⁰ As referenced in footnote 9, your affiant confirmed that NGUYEN is not listed on the National Firearms Registry as a person allowed to possess machine guns, short-barreled rifles, short-barreled shotguns, and suppressors.

CONCLUSION

Based on the information described above, I respectfully submit there is probable cause to believe that Darrian Mitchell NGUYEN did knowingly possess with intent to manufacture or distribute a controlled substance, to wit: methamphetamine; did knowingly possess or

²⁰ Based upon information and belief, NGUYEN and his elderly, blind mother are the only residents of NGUYEN's home.

transfer machine guns, to wit: auto sears; and did knowingly receive or possess a firearm not registered in the National Firearms Registration and Transfer Record, to wit: a fully automatic short-barreled rifle.

Further Your Affiant sayeth not.



Jason Bujold
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before me
on this 4th day of October, 2022



The Honorable Elizabeth Cowan Wright
United States Magistrate Judge